



Report of the Statewide Reentry Council

Pursuant to RCW 43.380.050(4)

December 2018
Report to the Legislature
Statewide Reentry Council

Council Members

Washington State Reentry Council

Appointed to represent

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State of Washington

STATEWIDE REENTRY COUNCIL

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December 1, 2018

Dear Washington State Legislators:

Please accept this letter as part of our biennial report on reentry in Washington. As co-chairs of the Washington Statewide Reentry Council (Council), we urge you to make a significant investment in helping people successfully transition from incarceration to the community. This is a critically important issue for our state for the following reasons:

1. The prison population in our state is now at 103 percent of rated capacity overall and 108 capacity for women. This creates unsafe conditions for incarcerated individuals and staff. The next prison will cost the taxpayers about \$250 million to build, \$70 million a year to operate, and take six years to build. The Department of Corrections reports that one out of three people being released from prison each year are sent back to prison within three years. This does not include people who go to jail, federal prison, or prison in another state.
2. A strong investment in reentry will reduce recidivism, improve public safety and save money for state taxpayers. It will also help reclaim lives lost to the cycle of incarceration and make our communities stronger.

The Council was created in 2016 to improve public safety and outcomes for individuals reentering the community following incarceration. Since its inception, the Council and its members have met with incarcerated people from across the state, developed partnerships with community non-profit organizations promoting reentry, presented to and received presentations from a variety of stakeholders and legislative bodies, developed strong relationships with government partners working toward decreasing recidivism, and held a Council meeting inside the Washington State Reformatory at Monroe to listen directly to the concerns and needs of incarcerated individuals.

Recognizing that prison overcrowding is a looming issue in Washington, the Council supports several legislative and executive branch policy proposals that promote and invest in successful reentry outcomes that will reduce the cost of incarceration and eliminate the need to build additional prisons in Washington. Investing in reentry practices and policies that promote successful reintegration for people returning from Washington jails and prisons increases public safety by decreasing the likelihood of further criminal conduct. As a council working diligently with the community to fully understand reentry challenges, we have also come to appreciate the need for gender-specific policies that address the unique needs of incarcerated women and the need for policies that are informed by race, community, ethnicity, sexual orientation, gender identity, and other variable factors. We appreciate your concern with and attention to these vital issues and look forward to continuing to collaborate with you in the upcoming session and the years to come.

Daniel T. Satterberg
King County Elected Prosecutor

Tarra Simmons
Skadden Fellow

Executive Summary

Overview

The Statewide Reentry Council (Council) presents this report on its activities and recommendations to the governor and Legislature pursuant to RCW 43.380.050(4). This report also includes a letter from the co-chairs, updated reentry principles, and a fact sheet on reentry in Washington.

Council Activities and Progress

The Council listened to incarcerated people and staff at Department of Corrections (DOC) facilities across the state. Council members and the executive director continue to regularly meet and collaborate with stakeholders across the state and country. We have shared the work and goals of the Council throughout Washington and nationally.

Christopher Poulos was appointed executive director on Oct. 1, 2017 and on March 8, 2018 was unanimously confirmed by the Washington State Senate. Previously, Christopher served as executive director of Life of Purpose Treatment at the University of North Texas, where he was also an adjunct professor of criminal justice. During law school, he served at the White House Office of National Drug Control Policy. Christopher also served as an advisor to Sen. Angus King (I-Maine) on addiction and justice policy. Christopher openly identifies as a person in long-term recovery from addiction who has also been incarcerated.

Summary of 2018 Legislative Activities

The Council selected several bills to support as its priorities, six of which were signed into law:

- Washington Fair Chance Act (Chapter 49.94 RCW): removes barriers to employment for people with criminal records by prohibiting employers from asking about criminal records on applications.
- Legal Financial Obligations (Chapter 269, Laws of 2018): removes barriers to financial self-sufficiency by reducing interest rates on fines and fees and prohibits courts from imposing costs on defendants who are indigent at the time of sentencing.
- Office of the Corrections Ombuds (Chapter 43.06C RCW): This legislation creates the Office of the Corrections Ombuds within the Governor's Office.
- Housing – Source of Income (Chapter 66, Laws of 2018): reduces barriers to housing for people reentering the community by prohibiting landlords from refusing to lease or rent based on the source of income.
- Graduated Reentry (Chapter 166, Laws of 2018): allows DOC to transfer an eligible individual to community supervision if it is determined to be an appropriate placement, requires DOC to assist with reentry, and creates a graduated reentry program of partial confinement.

- Washington Fair Chance to Higher Education Act (Title 28B RCW): prohibits an institution of higher education from using an initial admissions application that requests information about the criminal history of an applicant.

Summary of Policy Recommendations

The Council supports evidence-based practices that promote successful reentry into the community following incarceration. A majority of the Council agrees that legislative action related to these policy goals will improve reentry, promote public safety, and reduce recidivism. More details about Council policy recommendations and priorities are on page 16 of this report.

Reentry Council Priorities and Recommendations for the 2019 Legislative Session

- Pass the New Hope Act.
- Expand the DOC Housing Vouchers Program.
- Issue Washington state identification prior to exiting incarceration.*
- Pass legislation to limit housing discrimination against people with criminal records.
- Provide funding for credible messengers for reentering people.
- Provide funding for Comprehensive Individualized Reentry Planning.
- Pause or reduce child support accrual during incarceration.

Summary of Long-Term Policy Recommendations

- Expand access to housing vouchers and other housing supports.
- Remove barriers based on criminal records.
- Expand access to educational opportunities.*
- Support the Civil Justice Reinvestment Plan and other legal aid support efforts.
- Expand access to educational opportunities related to job placement for youth in Juvenile Rehabilitation (JR) facilities.
- Consider expansion of the Certificate of Restoration of Opportunity (CROP).
- Expand alternatives to incarceration.
- Examine and improve conditions of incarceration and end the practice of sending people to non-Washington DOC prisons or jail as a means of addressing overcrowding.
- Begin reentry planning immediately upon system involvement and implement individualized reentry plans for all incarcerated individuals prior to release.
- Expand education and training for all state employees who interact with people who are involved with the criminal justice system.

*Policy items that support or build on efforts related to Executive Order 16-05, Building Safe and Strong Communities through Successful Reentry.

2018 Legislative Activities

Overview

The Council formed a legislative subcommittee, membership selection subcommittee, and an ad-hoc group to work on addressing the ongoing issue of transferring incarcerated people to non-DOC facilities as a means of addressing overcrowding. Prior to the legislative session, the Council developed its legislative priorities. During the session, the legislative subcommittee met weekly, and sometimes daily, to coordinate efforts. Efforts included regularly meeting with legislators, staff, stakeholders, and providing testimony.

2018 Council Legislative Progress

The Legislature passed the following Council-supported laws in 2018.

- **Washington Fair Chance Act (chapter 49.94 RCW)**

This legislation prohibits employers from asking about an applicant's criminal record until after the employer initially determines that the applicant is otherwise qualified for the position. The law also prohibits an employer from advertising openings in a way that excludes people with criminal records from applying. Advertisements that state "no felons," "no criminal background," or other similar messages are prohibited, and an employer may not implement any policy or practice that automatically or categorically excludes individuals with a criminal record from consideration for employment. Finally, an employer may not reject an applicant for failing to disclose a criminal record prior to initially determining the applicant is otherwise qualified for the position.

- **Legal Financial Obligations (Chapter 269, Laws of 2018)**

This legislation eliminates the accrual of interest on certain nonrestitution portions of legal financial obligations. The law also prohibits a court from imposing certain costs on a defendant who is indigent at the time of sentencing.

- **Office of the Corrections Ombuds (chapter 43.06C RCW)**

This legislation creates the Office of the Corrections Ombuds within the Governor's Office to:

- Provide information to incarcerated people and their families.
- Promote public awareness and understanding of the rights of incarcerated people.
- Identify system issues and responses for the governor and the Legislature to act on.

- Ensure compliance with relevant statutes, rules, and policies related to corrections facilities, services, and treatment of people under DOC supervision.

- **Housing – Source of Income (Chapter 66, Laws of 2018)**

This legislation prohibits a landlord from refusing to lease or rent real property to rental applicants or current tenants, or expelling a tenant from real property, based on the source of income. It also creates the landlord mitigation program to reimburse landlords for damages.

- **Graduated Reentry – Partial Reentry (Chapter 166, Laws of 2018)**

This legislation authorizes the secretary of the DOC to transfer an individual incarcerated in a DOC facility to community supervision if it is determined that the graduated reentry program is an appropriate placement. The bill requires the secretary to assist the individual's transition from confinement to the community, and it creates a graduated reentry program of partial confinement for certain people in DOC custody.

- **Washington Fair Chance to Higher Education Act (Title 28B RCW)**

This legislation prohibits an institution of higher education from using an initial admissions application that requests information about the criminal history of an applicant. However, the institution may use a third-party admissions application that contains information about the criminal history of the applicant if the institution posts a notice on its web site stating that it may not automatically or unreasonably deny an applicant's admission or restrict access to campus residency based on an applicant's criminal history.

Facts about Criminal Justice and Reentry in Washington

Washington's National Ranking for Incarceration Rates

The United States has one of the highest rates of incarceration in the world.¹ Meanwhile, Washington is one of the least punitive states in the nation in terms of incarceration. Washington is ranked 41st in the nation for the rate of incarceration. The state ranks 49th in the nation for the rate of punishment, which is the ratio of the prison population compared to the “frequency and severity of crime reported in each jurisdiction.”²

State Funding for Criminal Justice Systems

The DOC was allotted approximately \$1.9 billion in the 2015-17 biennial budget, or roughly \$950 million annually. Washington is the 13th most populous state in the nation and ranks 15th for spending on corrections.³ This does not include funding for any new prison construction. The Caseload Forecast Council projects a shortage of 792 adult prison beds at the end of fiscal year 2024. The Legislature allotted JR \$183.2 million for the 2015-2017 biennial budget.

Taxpayer Costs

As of June 30, 2018 there were 19,802 individuals in confinement with the DOC, up from 17,558 on Oct. 31, 2016.⁴ The average daily cost of one incarcerated person is \$106.70, which comes out to an average annual cost of \$38,946 per person, for an approximate total cost of over \$694 million.⁵ Absent substantial new investment in reentry, the prison population will continue to grow and new prisons will need to be built, costing taxpayers hundreds of millions of dollars.

¹ Roy Walmsley, “World Prison Population List (tenth edition),” International Centre for Prison Studies, University of Essex, (2013), http://www.apcca.org/uploads/10th_Edition_2013.pdf

² The Pew Charitable Trusts, “Punishment Rate Measures Prison Use Relative to Crime,” (2016), <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/03/the-punishment-rate>

³ Michael Mitchell and Michael Leachman, “Changing Priorities: State Criminal Justice Reforms and Investments in Education,” Center on Budget and Policy Priorities, (2014), <http://www.cbpp.org/research/changing-priorities-state-criminal-justice-reforms-and-investments-in-education>

⁴ Washington State Department of Corrections, “Data Analytics,” <https://www.doc.wa.gov/information/data/analytics.htm>

⁵ Washington State Department of Corrections, “Cost Per Incarcerated Individual Per Day,” <http://www.doc.wa.gov/docs/publications/reports/200-AR001.pdf>

Prison Population Demographics and Disparities⁶

African Americans are disproportionately represented in the prison population, with 18 percent of incarcerated individuals in Washington identifying as black or African-American, compared to just 4 percent of the state population. Native Americans and Alaskan Natives make up 2 percent of the state population and 5 percent of the prison population.⁷

In Washington, men account for 92 percent of the prison population and women account for 8 percent.⁸

Offense and Sentence

People sentenced for violent felonies make up 72 percent of incarcerated individuals in Washington, while 17 percent are in prison for property crimes. Incarceration rates for individuals convicted of drug-related crimes have dropped over the last two decades, and the current percentage of people incarcerated for drug offenses alone is 7. The remaining 4 percent are serving for other miscellaneous felony offenses.⁹

Washington diverts a significant percentage of drug cases to drug courts and alternative programs, including drug sentencing alternatives and community supervision, which largely accounts for the fewer number of people in prison for drug crimes compared to other states.

State Recidivism Rates

DOC defines recidivism as a return to prison within a three-year period. Of those released from prison in Washington in 2014, nearly one in three returned to prison within three years.¹⁰ These statistics do not include people who have returned to jail, had new criminal charges but not returned to jail, or people who have gone to federal prison or returned to jails or prisons in another state.

The common measure for youth recidivism used by the Washington State Institute for Public Policy defines recidivism as a new crime committed 18 months post-release. For 2013, 53 percent of youth engaged in a new crime within 18 months after release.

⁶ Washington State Department of Corrections, "Agency Fact Card, 2018," <https://www.doc.wa.gov/information/data/analytics.htm>

⁷ Washington State Department of Corrections, "Agency Fact Card, 2018," <https://www.doc.wa.gov/information/data/analytics.htm>

⁸ Ibid.

⁹ Ibid.

¹⁰ Washington State Department of Corrections, Results Washington Presentation, August 2018.

Legal and Financial Obligations

The average legal financial obligation (LFO) cost for a single conviction in Washington in 2014 was \$2,540, with a 12 percent interest rate for a case in a superior court. State law mandates that defendants pay a victim penalty assessment of \$250 for misdemeanors and \$500 for gross misdemeanors and felonies. Defendants who willfully fail to pay their LFO despite an ability to pay may be punished by short terms of incarceration. Individuals with multiple sentences on their record will often have multiple LFO accounts. There are currently approximately 450,000 outstanding LFO accounts in Washington.¹¹ The total unpaid balance is roughly \$2.5 billion.¹²

County Jail Population

Washington has 39 county jails. The average total daily population for jails in Washington in 2015 was 11,269 people.¹³ The average (mean) length of stay for an individual in a jail was just under 15 days.¹⁴

Like state facilities, county jails disproportionately incarcerate people of color: 23 percent of the state population listed as non-white,¹⁵ while statewide data shows the proportion of non-white people in jails is about 32 percent.¹⁶ African Americans and Native Americans in particular are overrepresented in jails, while Asians are underrepresented.

In Spokane, 86 percent of the county population is white, but only 67 percent of the jail population is white. Two percent of Spokane County is African American, but 12 percent of the jail population is identified as African American.¹⁷

In 2009, Spokane County Detention Services took the unprecedented step of obtaining certification as a licensed mental health provider, becoming the first jail in the state to do so, and making it the second-largest mental health facility in Washington. It now provides mental health services for more than 2,000 incarcerated people a year — one sixth of the

¹¹ American Civil Liberties Union of Washington State and Columbia Legal Services, “Modern-Day Debtors’ Prisons: The Ways Court-Imposed Debts Punish People for Being Poor,” (2014), <https://aclu-wa.org/docs/modern-day-debtors-prisons-washington>

¹² Washington State Courts, “Washington Courts: Press Release Detail,” (2018), <https://www.courts.wa.gov/newsinfo/?fa=newsinfo.pressdetail&newsid=16005>

¹³ Washington Association of Sheriffs and Police Chiefs, “Annual Jail Statistics,” (2015), <http://www.waspc.org/statistics-reports>

¹⁴ King County Department of Adult & Juvenile Detention, “Detention and Alternatives Report,” (2016), http://www.kingcounty.gov/~media/courts/detention/documents/KC_DAR_10_2016.ashx?la=en

¹⁵ Office of Financial Management, “2015 Data Book,” (2015), <http://www.ofm.wa.gov/databook/default.asp>

¹⁶ Washington Association of Sheriffs and Police Chiefs, “Annual Jail Statistics,” (2015), http://www.waspc.org/assets/CJIS/2015%20jail%20statistics_website.xlsx

¹⁷ John D. and Catherine T. MacArthur Foundation, “Safety + Justice Challenge,” Spokane Regional Criminal Justice System Data Slides, (2016), <http://www.safetyandjusticechallenge.org/challenge-site/spokane-county/>

approximately 12,000 adults under age 55 who received mental health services of any kind in Spokane County annually.

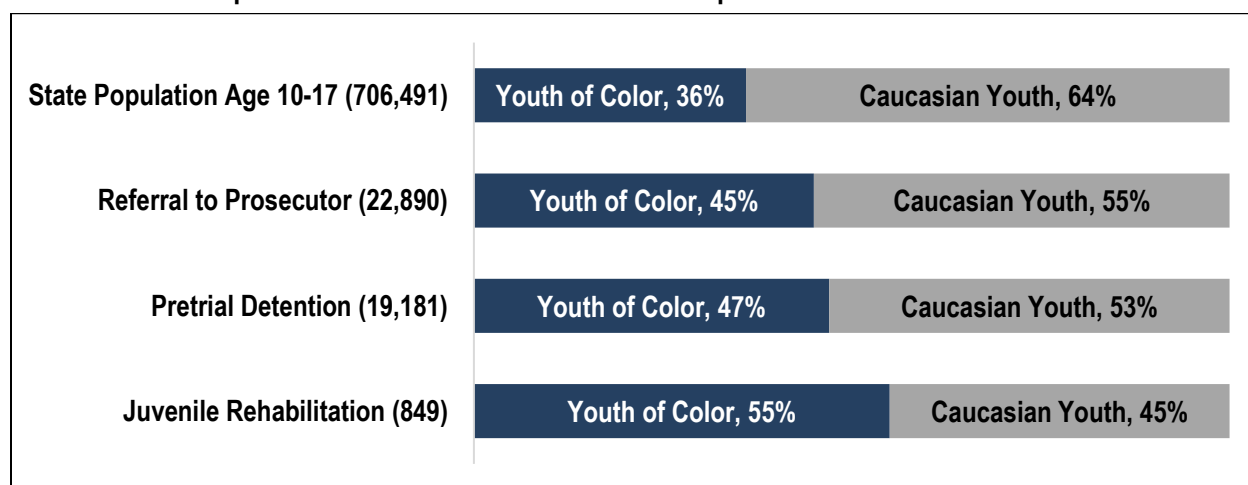
Other Demographics from Department of Corrections¹⁸

- The average age of an individual in a Corrections facility in Washington is 38.9 years old.
- The average length of prison stay was 24 months for people released in the last year.
- 13 percent of incarcerated individuals serve prison sentences of less than two years.
- 25 percent are serving between two and 5 years.
- 20 percent are serving between five and 10 years.
- 24 percent are serving over 10 years.
- 12 percent are serving life sentences with the possibility of parole or release.
- 4 percent are serving life sentences without the possibility of release.

Juvenile Rehabilitation Population Demographics

Young men account for 90 percent of residential facility population, while young women represent 10 percent. Racial and ethnic disparities exist, and increase, at each level of the juvenile justice system. The following chart shows Washington youth of color compared to white youth at different levels within the juvenile justice system.

Table 1: Racial Disparities in the Juvenile Rehabilitation Population¹⁹



Note: "Youth of Color" includes all youth who do not identify as white or Caucasian.

Note: Racial disparities may have increased further since the publication of the data shown above, as the most recent data shows that 68 percent of the JR population are now Youth of Color.²⁰

¹⁸ Washington State Department of Corrections, "Agency Fact Card, 2018," <https://www.doc.wa.gov/information/data/analytics.htm>

¹⁹ Washington State Department of Social and Health Services, *Administration, R.E.D. – Racial and Ethnic Disparities*, <https://www.dshs.wa.gov/ra/office-juvenile-justice/red-racial-ethnic-disparities>

²⁰ Juvenile Rehabilitation Automated Client Database, March 30, 2018.

Juvenile Rehabilitation, Youth Reentry, Education, and Employment Update

Successful youth reentry is based on a strong continuity of care, effective treatment services and case management practices. This includes comprehensive education, vocation and employment programs, inclusion of family, community-based connections and input from youth. JR uses the following key elements to ensure these requirements are met:

- **Juvenile Rehabilitation Policy 4.10 Developing Youth and Their Family**

JR implemented policy, effective January 1, 2017, that establishes guidelines for a systematic approach to positive youth development and incorporates reentry planning that increases the odds that youth are successful when they return to their communities. In addition to training, JR infuses the philosophy and principles of youth reentry throughout the JR continuum.

- **Governor's Executive Order 16-05 for Reentry**

Executive Order 16-05 (EO-16-05) outlines a set of expectations for JR and DOC to build a reentry-focused orientation program and a set of tasks for additional state agencies to support the effort. This includes participation in the Governor's Statewide Reentry Council.

- **Reentry Team Meetings**

These meetings are a youth- and family-driven process to develop treatment and transition plans for youth entering and releasing from JR care and consistent with EO 16-05.

- **Youth Homelessness**

Youth – Discharge from Public Care into Homelessness – Identicards (Chapter 157, Laws of 2018) requires agencies to develop a plan to ensure that no youth is discharged from a publicly funded system of care into homelessness. JR received dedicated funds to implement a process to help clients secure and maintain placement upon release to the community. This includes collaboration with Office of Youth Homelessness, agency partners and community resources.

- **Washington State Identicards**

Youth – Discharge from Public Care into Homelessness – Identicards (Chapter 157, Laws of 2018) requires the Dept. of Licensing to issue an identicard at the cost of production for individuals releasing from JR. JR has collaborated with DOL to work toward a goal of 100 percent of youth releasing with a state ID.

- **Youth and Family Voice**

Input and feedback from the youth and families JR serves is critical to program implementation. JR seeks youth and family feedback via surveys and meetings.

- **Employment Pathway Program (MyJOB)**

MyJOB is a partnership with DSHS's Division of Vocational Rehabilitation (DVR), Workforce Development Council, and local school districts to provide job readiness and work-based learning opportunities to students to support their successful transition to the community.

- **Vocational Training**

JR has formed partnerships with Pioneer Human Services, Bates Technical College, Aerospace Joint Apprenticeship Committee, and Pacific Mountain Workforce Development Council to provide industry standard certification training in aerospace manufacturing to support employment preparedness, financial independence and stability for youth. JR has also entered into partnership with Apprenticeships & Nontraditional Employment for Women, ANEW, for technical assistance in developing pre-apprenticeships for youth in their care.

- **Workforce/Business Sector Relations**

JR's business relation manager works with the workforce development systems and develops partnerships with the business community to improve JR youth access to promote self-sufficiency of youth via employment.

- **Academic Partnerships**

Academic meetings occur between JR, the Office of Superintendent of Public Instruction (OSPI), and Institutional Education to promote identification of performance outcomes, curriculum and data sharing for basic education and to address the education opportunity gap.

Age, Length of Stay and Release Data²¹

- 7 percent are between the ages of 12 and 14 years old.
- 56 percent are between the ages of 15 and 17 years old.
- 38 percent are between the ages of 18 and 20 years old.
- The average length of stay is 10.5 months.

²¹ Ibid.

- There are about 550 youth released back to the community each year.

Education and Behavioral Health Data

- About half of youth under JR supervision have special education needs.²²
- About 14 percent of youth under JR supervision graduate with a high school diploma.²³
- 85 percent of youth have known behavioral health needs.²⁴

²² Office of the Superintendent of Public Instruction, “Percentage of youth in WA with Special Education, OSPI Report Card 2014-2015,” <http://reportcard.ospi.k12.wa.us/summary.aspx?groupLevel=District&schoolId=1&reportLevel=State&year=2014-15>

²³ Department of Social and Health Services, “High School Outcomes for DSHS-Served Youth,” (2012), <https://www.dshs.wa.gov/sites/default/files/SESA/rda/documents/research-11-181.pdf>

²⁴ Department of Social and Health Services, Client Outcomes Database, DSHS Research and Data Analysis Division, June 2018.

Reentry Principles

The Council recognizes that the cycle of recidivism warrants a closer examination of our criminal justice system, correctional systems, and community services in Washington. These principles provide a foundation of the Council's beliefs on what can improve public safety and outcomes for everyone involved in reentry. Coming to agreement on these principles was a first step for the Council in developing collaborative and cooperative relationships among the justice system, survivors and their families, service providers, and criminal justice involved individuals and their families.

Individualized Approach Guided by Procedural Justice

Reentry policies should focus on individualized justice. All public safety and judicial agencies should take steps to increase just, equitable, and non-discriminatory policing, prosecution, and sentencing. Agencies and jurisdictions in the state justice system should formulate policies and programs designed to achieve just results through a just process led by impartial and well-informed decision makers.

Each person reentering society from DOC custody should get a comprehensive individualized reentry plan addressing their specific needs and risks of recidivism. Reentry and reintegration planning and programming should begin upon entry into DOC custody and accelerate prior to release. Providing reentry planning upon entry will increase the productivity and outlook of the individual while incarcerated, thereby helping foster a correctional environment within each facility and increase the chances of success upon release.

Use Accurate and Non-stigmatizing Language

Individuals who have been formerly incarcerated, convicted with a felony, or otherwise involved in the criminal justice system are often characterized as being part of a criminal underclass. Labels such as "offender," "felon," and "convict" can be stigmatizing. Viewing reentry participants as individuals will allow agencies to provide comprehensive, collaborative, fair, and equitable services that recognize the unique challenges of each person returning to their community.

The Council urges the careful use of language to avoid further stigmatization of individuals reintegrating into the community. The broad guiding principle around language is to consciously identify people as people, or individuals, first, rather than defining people by their current or former status in the justice system.

Equitable and Culturally-Responsive Policies

Racial bias contributes to the cycle of crime and recidivism. All public safety and judiciary agencies should take steps to increase just, equitable, and non-discriminatory policies.

A fair and equitable system requires recognition that there are a disproportionate number of incarcerated individuals from historically marginalized communities. The incarcerated population includes people with limited English ability, physical, cognitive, and learning disabilities, mental illness, and varied gender identities. Reentry policies should also seek to reduce racial and economic equity disparity, ensure access for all individuals and promote inclusiveness.

Comprehensive

A successful reentry policy should focus on the impact on the individual, on families, and on communities before, during, and after criminal justice involvement.

Reentry planning should begin upon initial involvement with the criminal justice system. Every person confined, whether sentenced or not, should have access to an evidenced-based reentry program and get a comprehensive individualized reentry plan designed to address their needs.

Comprehensive services within that individual plan should provide access to education, employment opportunities, housing, life skills training, substance use disorder and other mental health treatment, and other programs that address their needs.

Collaborative

Reentry is a collaborative process among reentering individuals, the community, and reentry providers. We envision collaborative efforts that span government agencies and community organizations and foster cooperation and communication.

Law enforcement, corrections departments, other government agencies, and community-based reentry-services must develop a formal collaborative structure for the continuity of care to advance case planning and data sharing to ensure a successful reentry for each person.

People who have personally successfully reintegrated following incarceration are an often overlooked but essential asset in this area. Providing each incarcerated individual with the opportunity for mentorship from a credible messenger beginning at least six months prior to release and continuing for at least six months after release would greatly mitigate the often-traumatic experience of reentry and the sudden severance of close bonds with other incarcerated people and relationships with facility staff.

The Council believes that successful reentry policies require the partnership of multiple criminal justice agencies across jurisdictional barriers, including leadership and line staff. Training that emphasizes equity, procedural justice, and an evidenced-based individualized approach to reentry for all policies and programs is key to an effective reentry strategy.

Reducing the impact of crime and improving the outcomes of individuals involved in the justice system is an issue of public health, as well as public safety. Agencies involved with reentry should collaborate and partner with the public health system to broaden the array of services and strategies that can lead to successful reentry in the community.

Fair

All individuals involved in the criminal justice system should be treated humanely, fairly, and with respect, particularly those who are incarcerated. They should not be subjected to conditions like overcrowding, extended periods of solitary confinement, or violence. Individuals should be free from physical and mental abuse. They should be provided the resources and opportunity to continue, build, and maintain positive family relationships at the lowest possible cost to families.

Limiting access to reentry services because of location or custody violates the principle of fairness. Individuals should have access to consistent, quality reentry services from all forms of confinement.

Incarceration is a traumatic experience. Many individuals involved in the criminal justice system come from high-trauma backgrounds before experiencing incarceration. Trauma-informed care is essential to successful reentry. Agencies should ensure culturally relevant, trauma-informed, and individualized care based on the needs and goals of the returning individuals.

Upon reentering the community, individuals must continue to be treated fairly. For example, legal and financial obligations are often part of restitution, but excessive and unmanageable legal and financial obligations are counter-productive to successful reentry.

Preventing the Cycle of Recidivism through Best Practices and Just Results

The Council believes that the state and local government and community partners should invest in, and implement, proven and promising evidence-based, data-driven reentry policies and programs prior to constructing new jails and prisons.

Policies, services and programs should adhere to the current theory of Risk-Needs-Responsivity:

- The Risk principle suggests that justice system interventions should be matched to an individual's risk level, focusing more intensive interventions on people who are assessed as moderate and high risk.

- The Needs principle asserts that justice system interventions should target those factors that most significantly influence criminal behavior.
- The Responsivity principle demonstrates that interventions are most effective when they are based on research-supported models and tailored to the unique characteristics of individuals.

Reentry should be defined broadly and include both incarcerated individuals and those involved with the criminal justice system in general. Reentry programs that promote effective reintegration into the community of individuals involved with the criminal justice system include, but are not limited to:

- Family-integrated services (like the Family Integrated Transitions model).
- Housing planning to ensure that individuals know where they are going when exiting and can assess the safety, stability, and affordability of that housing.
- Diversion of individuals to need-based services either pre- or post arrest (e.g., LEAD-law enforcement assisted diversion).
- Therapeutic court initiatives (drug court, mental health court, community court) that seek to divert individuals to treatment and service providers within the community in lieu of incarceration.
- Confinement-based programmatic initiatives meant to enhance the quality of life of participants in and out of incarceration.

Recommendations

The Legislature tasked the Statewide Reentry Council with providing recommendations related to reentry. Action taken by the Legislature to make progress on these items will benefit Washington residents by improving outcomes for individuals reentering the community, improving public safety, reducing recidivism, and saving taxpayer dollars.

It is a long-term goal of the Council to develop a system of reentry in Washington that is so holistic and efficient that it can serve as a model for other states to follow. DOC, other state and local agencies, and our community partners already have made great strides in that direction, but more work remains.

2019 Legislative Recommendations

Expand Access to Housing Vouchers and Other Housing Supports

Releasing people from prison to homelessness is a setup for failure, and currently eight percent of people leaving DOC custody are releasing directly into homelessness. Providing housing vouchers, rent assistance, and other housing supports to individuals reentering the community has demonstrated positive benefits in Washington and in other states. Housing vouchers are much less expensive than prolonged incarceration and housing instability is a major contributor to recidivism. The DOC voucher program provides three months of support at \$500 per month, and only for a percentage of returning citizens. The state should increase the scope and availability of housing vouchers and connect people exiting incarceration with affordable housing resources.

The Council also will consider supporting Housing First models. Housing First is a state and national best practice that provides direct rent assistance in apartments rather than a pathway to housing support through shelter and transitional housing. Multiple studies have shown that Housing First reduces costly crisis and law enforcement services and helps improve health and public safety outcomes.²⁵ The Council supports efforts that rapidly house those reentering the community so that they can find employment and seek economic independence.

²⁵ Lipton, F.R. et al., "Tenure in Supportive Housing for Homeless Persons With Severe Mental Illness," (2000), *Psychiatric Services*, 51(4), pages 479-486,

<https://ps.psychiatryonline.org/doi/pdf/10.1176/appi.ps.51.4.479?code=ps-site>

M. Larimer, D. Malone, M. Garner, et al., "Health Care and Public Service Use and Costs Before and After Provision of Housing for Chronically Homeless Persons with Severe Alcohol Problems," *Journal of the American Medical Association*, (April 1, 2009), pages 1349-1357, <https://jamanetwork.com/journals/jama/fullarticle/183666>

Massachusetts Housing and Shelter Alliance, "Home and Healthy for Good: A Statewide Pilot Housing First, Program," (2007), https://shnny.org/uploads/Home_and_Healthy_for_Good.pdf

Remove Barriers Based on Criminal Records

Individuals who have reentered successfully should have opportunities to remove record-related items that result in hundreds of collateral consequences of a conviction, including barriers to employment, housing, and volunteer opportunities. The Council supports efforts to reform criminal records policies so that people who have reentered do not face long-term barriers to becoming productive members of a community.

The New Hope Act sponsored by Representatives Hansen and Irwin was developed through a bi-partisan effort including various stakeholders. The legislation incentivizes law-abiding behavior by offering hope that individuals can be relieved of the stigma of a criminal record and have increased opportunities, while ensuring that records are still accessible to criminal justice agencies.

The Council also recommends that the legislature pass Fair Chance Housing legislation preventing property owners and other housing providers and resources from inquiring about criminal backgrounds on initial applications, advertising that no one with criminal records is permitted, or categorically banning people with criminal records from housing. This legislation would be in some ways similar to the Fair Chance Employment Act (Chapter 49.94 RCW) and would help mitigate the extreme difficulty many people who are reentering, or have long since reentered, face when attempting to obtain safe and affordable housing. Washington has the opportunity improve our system and lead the nation on this issue. A bill supporting these specific goals and principles is currently being constructed.

Expand Access to Educational Opportunities

Prison education programs have been shown to increase employment for participants after release, significantly reduce recidivism, and improve prison safety. The state-funded education program currently provides over 20 different professional-technical certificates, multiple two-year workforce degrees, and GED and high school completion courses. The Council supports several initiatives to improve access to educational opportunities:

- Dedicate space for education and other evidence-based programming. Lack of adequate programming space limits the number of individuals who can enroll and restricts opportunities for innovative and evidence-based programs.
- Expand the use of technology to support education programs. Secure laptops for use in living units can reduce the constraints of space and give incarcerated students real-world experience. Piloting secure internet access will give incarcerated people opportunities for education and prepare them for life after release.
- Allow state-funded education programs to include all appropriate associate degrees and encourage partnerships between DOC and private foundations to offer bachelor degree education. Of all the levels of education, college-level education has been shown to have the greatest impact in increasing employment and reducing recidivism.

- Consider practices adopted by other states that reward participation in education programs, including providing good-time credits towards early release for the completion of certificates and degrees. According to the Washington State Institute of Public Policy, after programs for the dangerously mentally ill, education is the second most cost-effective tool that DOC can provide. Current policy forces incarcerated students to choose between facility jobs or education and training. By incentivizing participation and completion in education, DOC can both reduce its prison population and improve public safety.

Issue Washington State Identification Prior to Exiting Incarceration

The Council supports efforts by the DOC, Dept. of Licensing, JR, and other agencies to continue to expand a successful statewide pilot and issue Washington state identification for individuals upon release. The issuance of state identification will help eliminate unnecessary barriers to reentry and improve access to housing and employment.

Support the Civil Justice Reinvestment Plan and Other Legal Aid Supports

The 2015 Washington State Civil Legal Needs Study Update found that low-income people have a range of legal problems that serve as obstacles to successful reentry.²⁶ The study also documented significant racial disparities in the prevalence of civil legal problems experienced by those with prior juvenile and criminal justice involvement.

Individuals facing a criminal trial have a constitutional guarantee to the right of an attorney, but that right does not extend to the collateral consequences of an arrest or a conviction. The Civil Justice Reinvestment Plan addresses this situation by increasing funding for Washington’s Office of Civil Legal Aid.

The Office of Civil Legal Aid helps individuals overcome collateral consequences of an arrest or a conviction. The office provides funding to organizations that assist in avoiding evictions, ensure employment licenses remain valid, vacate or seal criminal records, remit or reduce legal financial obligations, help obtain a Certificate of Restoration of Opportunity, reinstate driver’s licenses, and provide family law services to reunite children with their parents.

A pilot that addresses these dynamics exists. Since July 2017, the City of Seattle has funded civil collateral consequences attorneys at three of the four Department of Public Defense divisions. The attorneys provide legal advice and direct representation to low-income individuals who have been accused of a crime and directly helps avoid job losses and homelessness. These lawyers also assist clients with protection orders, regaining their driver's licenses, and negotiating parenting plans. The successful resolution of these civil legal issues reduces

²⁶ Washington State Supreme Court, “2015 Washington State Civil Legal Needs Study Update, (2015), http://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

recidivism and assists in reintegration, resulting in safer communities, which are the exact goals of the Civil Justice Reintegration Plan. One division, the Northwest Defenders Division, has assisted over 350 of its clients with their civil legal issues since the inception of the pilot program just over a year ago.

The City of Seattle grant is set to expire on Dec. 31, 2018. Extending funding for the civil legal services being offered by the King County Department of Public Defense is recommended. Extended funding would provide an opportunity to validate the data already collected and to produce recommendations.

Expand Access to Educational Opportunities Related to Job Placement for Youth in Juvenile Rehabilitation Facilities

In response to the JR youth unemployment rate hovering at 60 percent compared to 12 percent for Washington overall, expanding access to job readiness, vocational training, and employment opportunities ensures youth are workforce ready to obtain living-wage jobs leading to self-sufficiency.

Expand the Certificate of Restoration of Opportunity (CROP)

The Certificate of Restoration of Opportunity (CROP) may provide protection from employment and housing discrimination for thousands of individuals after reentering the community. Passage of Criminal History – Employment, Licensing, and Housing – Certificates of Restoration of Opportunity (Chapter 81, Laws of 2016) in 2016 provided a new legal remedy to overcome some occupational licenses and employment barriers. The Council is interested in expanding that momentum to reduce more reentry barriers that could help improve access to employment and other opportunities for thousands more who are reentering, or have reentered, the community.

Expand Alternatives to Incarceration

The Council supports expanding front-end diversion programs, such as the Law Enforcement Assisted Diversion (LEAD) program, which diverts eligible individuals away from criminal justice system involvement and towards treatment and other resources. The Council supports expanding the Family and Offender Sentencing Alternative (FOSA). FOSA allows judges to waive a sentence for eligible persons with current custody of minor children²⁷ and impose 12 months of community supervision²⁸ along with conditions for treatment and programming for people facing a prison sentence.²⁹

²⁷ Washington State Department of Corrections, *Parenting Sentencing Alternative (PSA)*, <http://www.doc.wa.gov/corrections/justice/sentencing/parenting-alternative.htm>

²⁸ Washington State Department of Commerce, *Supervision in the Community*, <http://www.doc.wa.gov/corrections/community/supervision.htm>

²⁹ Ibid.

The Council supports the principles of Graduated Reentry, which extends eligibility for work release and other community confinement options. The Council also supports other alternatives to incarceration, such as releasing elderly people who pose a low risk to society and creating a Community Review Board. The Community Review Board would provide a fair process to evaluate a person's ongoing risk to society after a substantial period of incarceration and determine whether ongoing incarceration is warranted.

Examine and Improve Conditions of Confinement to Promote Successful Reentry

The Council supports measures that help ensure the fundamental dignity, respect, and wellbeing of all incarcerated individuals. Incarceration is an unnatural state, and fostering methods to decrease the likelihood of further trauma promotes successful reentry and reintegration. The healthier people are mentally and physically upon release, the more likely they will succeed in reintegration. Creating additional incentives for positive behavior and program participation by both incarcerated people and staff is an effective motivator that will promote safe prisons and jails and successful reentry.

Pause or Reduce Child Support Accrual During Incarceration

Pausing or reducing child support obligations during incarceration reduces uncollectible debt, which contributes to the numerous and significant barriers incarcerated parents face when reentering communities, such as obtaining housing and employment. It also increases the collection of consistent monthly child support being paid by parents upon release. This results in children getting the emotional and financial support they need and helps families to reach their full potential.

The Dept. of Social and Health Services, Economic Services Administration's Division of Child Support (DCS) and DOC support efforts to modify sections in Chapters 26.09 and 26.23 RCW to allow for abatement of child support to \$10 per month when parents are incarcerated for six months or more if the parent has no income or assets available to provide support. This amount maintains an obligation payable by those with income earned during incarceration while avoiding large accumulation of arrearages.

Executive Branch Policy Recommendations

1. Develop and Implement Comprehensive Individualized Reentry Plans for Everyone in DOC Custody

The Council supports developing comprehensive individualized reentry plans that are initially crafted upon DOC entry. The plans would assess strengths, needs and goals and develop structured plans for both an individual's incarceration and that person's reentry. This is already happening to some degree at some facilities and can be built upon using existing DOC tools. The

reentry plans must center on the individual who will be reentering and include all relevant government and community stakeholders, including family when appropriate, who will serve as a communicating and coordinating circle, or “reentry team,” supporting the reentry. When an individual is released from DOC custody, that person generally must be released to his or her county of origin, which refers to the location of a person’s first felony conviction. A person might or might not have substantial and/or healthy ties to that county, and release to another county might be more conducive to public safety and successful reentry. Clear, simple and consistently implemented policies and procedures must exist for DOC staff to make adjustments when it might be detrimental to public safety or an individual’s reentry to return that individual to the county of origin.

Much of this work simply involves breaking down silos and increasing collaboration, rather than hiring a substantial number of additional employees.

2. Provide Credible Messengers, and Other Community Mentors, to Incarcerated People

Create pilot reentry navigator programs at a minimum of one female facility and one male DOC facility. The reentry navigators would be “credible messengers,” supervised by a coordinator and working for a non-profit organization selected through an RFP process. The funding could be administered by the Council and the Dept. of Commerce.

A standardized training and program curriculum would be developed and used. Reentry navigator training and curriculum must be gender, race, culture, sexual orientation, and trauma informed. Reentry navigators would begin relationships with incarcerated people at least six to 12 months prior to the projected release date. Engagement would increase substantially in the weeks prior to release, continue through release, and for a minimum of six to 12 months after release.

The ideal candidates for the paid reentry navigator positions are people who have successfully reintegrated from incarceration and obtained stability. The role of reentry navigators is to serve as credible messengers preparing individuals for release and supporting them during, and following, their transition back into society by sharing their experience and knowledge. Reentry navigators will not be case managers, social workers, or therapists but will be trained on how to refer program participants to appropriate government, local, and private or non-profit resources, as necessary, to address issues outside the scope of their mandate.

In addition to the reentry navigators, non-profits will provide a broader volunteer mentorship program for people who are reentering and enrolled in the formal reentry navigator program. A standardized mentor training would be developed and used. The training, and any curriculum, must be gender, race, sexual orientation, culture, and trauma informed. People who have directly experienced reentry will be considered as mentors, but mentorship will not be limited to people who have experienced incarceration.

Using mentors with a wide variety of backgrounds and skills will strengthen and diversify the program and provide the opportunity for communication and collaboration among the mentors, mentees, and mentor coordinator. For example, a mentor who is a parent and currently attending college five years after release from incarceration could provide guidance on family reunification and entering or returning to school, whereas a mentor with 30 years of experience in real estate could provide guidance on obtaining a mortgage. Communication among mentors via the mentor coordinator will be essential to ensure that when an assigned mentor doesn't know the answer to a question, the mentee can be directed to someone who does.

3. Expand Education and Training for all State Employees who Interact with People who are Involved in the Criminal Justice System.

The way in which state employees interact with people who are involved in the criminal justice system has a direct bearing on institutional security and reentry. The Council recommends that all staff who interact with incarcerated or reentering individuals receive regular education and training on ways to maintain boundaries and security while also treating all people with dignity. The Council urges all state agencies and our community partners to refer to and address people who are, or who have been, involved with the legal system by their names rather than as inmate, offender, or felon. By recognizing the basic humanity of all people, it is possible to increase hope for people reentering communities after incarceration, reduce institutional incidents and promote successful reentry.